

**JENKINS, WILSON & TAYLOR, P.A.****PATENT ATTORNEYS**

SUITE 1400 UNIVERSITY TOWER  
3100 TOWER BOULEVARD  
DURHAM, NORTH CAROLINA 27707  
TELEPHONE: (919) 493-8000  
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSWILSONTAYLOR.COM

RECEIVED  
CENTRAL FAX CENTER

FEB 08 2006

**DATE:** February 8, 2006

**TO:** Art Group Unit 1632 (for Group 1600)

**FAX NO.:** (571) 273-8300

**FROM:** Arles A. Taylor, Jr. (acy)

**RE:** Serial No. 09/058,546; Atty Docket No. 1406/203

NUMBER OF PAGES TO FOLLOW: 5

If transmission is poor, or if you do not receive all pages, please  
call (919) 493-8000 as soon as possible.

**COMMENTS:**

**Attachments:**

Transmittal Letter (1 page);  
Notice of Appeal (2 pages) in duplicate.

The information contained in this facsimile message is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named as recipient. If the reader is not the intended recipient, be hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message to us at the address shown above via the U.S. Postal Service. Thank you.

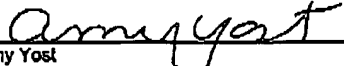
**JENKINS  
WILSON  
TAYLOR  
& HUNT**

patent attorneys

**RECEIVED  
CENTRAL FAX CENTER****FEB 08 2006**

February 8, 2006

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

  
Amy Yost  
Date of Signature February 8, 2006

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

E. ERIC MILLS

BENTLEY J. OLIVE

CHRIS PERKINS, PH.D.

JAMES DAILY IV, PH.D.

JEFFREY CHILDERS, PH.D.

P. ASHLEY DARDEN

CHRISTOPHER B. LEE

DAVID M. SIGMON

TECHNICAL SPECIALIST  
AMY ODENBAUGH, PH.D.Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Re: U.S. Patent Application Serial No. 09/058,546 for  
RETROVIRAL VECTORS CARRYING SENESCENT  
CELL DERIVED INHIBITORS 1 (SDI-1) OR ANTISENSE  
SDI-1 NUCLEOTIDE SEQUENCES  
Our Ref. No. 1406/203 (formerly 2316.1008-000)

Sir:

Please find enclosed the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (2 pages) (in duplicate).

Please contact our offices if there are any questions with respect to this matter.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR &amp; HUNT, P.A.

Arles A. Taylor, Jr.  
Registration No.: 39,395AAT/acy  
Enclosures  
Customer No: 25297tel 919.493.8000 Jenkins, Wilson, Taylor & Hunt, P.A. University Tower, Suite 1200 | 3100 Tower Boulevard | Durham, North Carolina 27707  
fax 919.419.0383 JenkinsWilson.com

Practitioner's Docket No. 1406/203

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

In re application of: Walter H. Gunzburg

FEB 08 2006

Application No.: 09/058,546

Group No.: 1632

Filed: April 10, 1998

Examiner: Wilson, Michael C.

For: RETROVIRAL VECTORS CARRYING SENESCENT CELL DERIVED INHIBITORS 1 (SDI-1) OR ANTISENSE SDI-1 NUCLEOTIDE SEQUENCES

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed August 8, 2005, for a second time rejecting claims 1-4,9-11,13,14,19,26,27,31,33,36-40,43,45,48,50,53-55,65 and 66.

## 1. STATUS OF APPLICANT

This application is on behalf of a small entity.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: 2/8/2006

Signature

Amy Yost

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Small entity \$250.00

Notice of Appeal fee due \$250.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required, as a petition for a three-month extension was previously filed on January 17, 2006. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$250.00


**TOTAL FEE DUE \$250.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$250.00 to Deposit Account No. 50-0426.

A duplicate of this transmittal is attached.

Date: 02/08/2006

  
Arles A. Taylor, Jr.  
Registration No. 39,395  
Jenkins, Wilson, Taylor & Hunt, P.A.  
Suite 1200, University Tower  
3100 Tower Boulevard  
Durham, NC 27707  
919-493-8000  
Customer No. 25297

Notice of Appeal from the Primary Examiner to Board—page 2 of 2